

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 15, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

FRIENDT Having been appointed to read the minutes of the City Council proceedings of September 8, 2003, reported having done so, found same correct.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MAYOR'S PRESENTATION

Mayor Coleen J. Seng presented a plaque of appreciation to Personnel Director Georgia Glass. Georgia has served in that position for four years and has recently accepted a job with a private company.

LOCAL LAW ENFORCEMENT BLOCK GRANT PUBLIC HEARING

Bob Van Valkenburg, 7921 Reno Rd., came forward to complain that the Police Department has not done any investigating into the towing contract issue raised by himself. He asked that it be referred to the State Patrol.

Chief Tom Casady came forward to explain the Block Grant in the amount of \$187,260.00 to be shared with the Lancaster County Sheriff's Department. The Police Department will receive \$130,476 and the Sheriff's Office will receive \$56,784.00. The Police Department will use these funds for mobile data and technology.

Annette McRoy, Council Member, asked how many mobile data units will be purchased?

Chief Casady stated that it could be 25 depending on how many new cruisers they will get.

PUBLIC HEARING

APP. OF LINCOLN WINGS, L.L.C. DBA HOOTER'S FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN A PARKING LOT AREA MEASURING 96' BY 47' TO THE NORTH ON SEPT. 27, 2003 FROM 8:00 P.M. TO 12:00 A.M. - Brian Clark, 19311 B Street, Omaha, NE, came forward to answer any questions.

Mr. Van Valkenburg stated he could hear music from the beer garden party at Hooters last event and he lives over a mile away. He asked that they keep the decibel level down this time.

Russ Fosler, Police Department, stated he had talked to the applicant about keeping the noise down.

Patte Newman, Council Member, asked if there were complaints last year?

Mr. Fosler stated there weren't any complaints last year, but there was one complaint in 2000. The noise decibel level is regulated by the Health Department.

Glen Cekal, 1420 C St., stated that Danny Walker was complaining about the noise at the Embassy Suites this past weekend.

This matter was taken under advisement.

APP. OF K-SARA ENTERPRISES FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 119' BY 60' IN THE PARKING LOT AT HUSKER AUTO GROUP, 6833 TELLURIDE, ON SEPTEMBER 26 & 27, 2003 FROM 4:00 P.M. TO 12:00 A.M. - Kevin Meyer, 3540 Village Dr., Suite 200, President of K-Sara Enterprise came forward to answer any questions.

This matter was taken under advisement.

APP. OF PERSHING CENTER FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 161' BY 347' AND 141' BY 36' TO THE WEST AND NORTH OF THE

PERSHING CENTER, 226 CENTENNIAL MALL SOUTH ON THE SEPT. 20, 2003 FROM 11:00 A.M. TO 11:59 P.M. - Tom Lorenz, General Manager for Pershing Center, explained that Nebraska Lottery is having a 10th Anniversary celebration on N Street.

Jon Camp, Council Member, asked if the resolution was suppose to read north of the Pershing Center instead of south?

Mr. Lorenz answered yes.

Ken Svoboda, Council Member, moved to change the resolution to read north instead of south.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY & LINCOLN ACTION PROGRAM FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N ST., TO PROVIDE JOB TRAINING & EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - Marc Wullschleger, Director of Urban Development, stated that One Stop Center is very busy because unemployment is up. They help clients to improve job skills as well as find jobs. He asked that the renewal lease for one year be approved.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER E BY CHANGING THE JOB CLASSIFICATION OF WORKERS' COMPENSATION CLAIMS ASSISTANT TO WORKERS' COMPENSATION CLAIMS SPECIALIST;

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER M BY CREATING THE JOB CLASSIFICATION OF WORKERS' COMPENSATION COORDINATOR;

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER A BY CREATING THE JOB CLASSIFICATION OF LEARNING CENTER SUPERVISOR - Georgia Glass, Personnel Director, explained that item 5 is an upgrade of an existing position. On Item 6 this position was originally performed by an employee of Crawford & Company, but paid for by the City. It was determined that it would save the city about \$10,000 or \$15,000 to create a city position of Workers' Compensation Coordinator. Item 7 is a grant funded position which funds the Community Learning Center at the Rec Centers. The position was previously referred to as Grant Coordinators. This new classification describes what that position actually does. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3417 - APP. OF CARLOS LAKE L.L.C. FOR A CHANGE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DIST., ON PROPERTY GENERALLY LOCATED AT S. 55TH ST. & SOUTH ST. (IN CONNECTION W/03R-239, 03R-240);

SPECIAL PERMIT 638A - APP. OF CARLOS LAKE L.L.C. TO EXPAND AN EXISTING PARKING LOT IN A RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 55TH ST. & SOUTH ST. (IN CONNECTION W/03-142, 03R-240);

USE PERMIT 153 - APP. OF CARLOS LAKE L.L.C. TO DEVELOP MIDTOWN BUSINESS PARK CONSISTING OF TWO 5,000 SQ. FT. OFFICE/MEDICAL BUILDINGS, WITH REQUESTED WAIVERS TO THE ALLOW LOTS THAT DO NOT HAVE FRONTAGE OR DIRECT ACCESS TO A PUBLIC OR PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT S. 55TH ST. & SOUTH ST. (IN CONNECTION W/03-142, 03R-239) - Brian Carstens, 2935 Pine Lake Rd., Suite H, representing Carlos Lake LLC who will be totally remodeling this building inside and out. They are requesting a waiver for a private roadway or public street frontage. The parking lots will be brought up to the current design standards.

Ms. Newman asked if there will be sufficient parking?

Mr. Carstens stated that on the RT buildings they could not be occupied as all medical. There has to be some ratio there. One could be all medical. Carlos Lake LLC has sold their properties to another one of their partnerships, West Point LLC.

Jonathan Cook, Council Member, asked how many parking spots will be lost and how many are being added?

Tom Cajka, Planning Department, stated the north parking lot will have more spaces than what exists today. On the western part of the property where the two proposed office buildings are being built it will

have less parking than what there is today. The site plan has a note to compensate for any changes in building uses as to the parking ratios. Further discussion followed.

Glen Cekal, 1420 C St., asked if there will be a deed restriction?

Michael Vestecka, 1952 S 53rd Street, came forward to ask that the developers follow the requirement for parking or reduce the size of the buildings. He stated that there is property to the north that could be purchased for additional property.

Craig Groat, 4935 Huntington Avenue, came forward in opposition. Discussion continued.

Ray Hill, Planning Department, stated the owner would be filing a letter of acceptance agreeing to the conditions of the site plan. The development is to be in strict compliance with the site plan. The change of use from general office to medical office is not uncommon. Further discussion followed.

This matter was taken under advisement.

AMENDING SECTIONS 26.19.020 & 26.31.010 OF THE LINCOLN MUNICIPAL CODE TO MODIFY THE PROCEDURE FOR GRANTING MODIFICATIONS OF SUBDIVISION REQUIREMENTS & PROVIDING AN APPEAL PROCESS THEREFOR - Mr. Cook asked if the waivers were just being moved around?

Ray Hill, Planning Department, answered no not entirely. The change here is to allow those waivers that are agreeable to the staff to be approved by the Planning Commission with the appeal process to the City Council.

Craig Groat, 4935 Huntington Avenue, stated that according to the State Statutes the Planning Commission is strictly an advisory body. He read from the Lincoln City Charter Article IX-B, City Planning Dept.

Mr. Cook asked if there were a number of items in the code already that are final action by Planning Commission? The applicant can appeal the decision of the Planning Commission and then it comes to the City Council.

Ray Hill, Planning Department, answered yes. Special Permits, Use Permits, those that have no waivers the Planning Commission has that authority. He stated that part of what was read deals with the adoption of the zoning ordinance. The City Council makes the decisions on the change of zones or any ordinances that come before them. Discussion followed.

This matter was taken under advisement.

APPROVING THE LICENSE AGREEMENT BETWEEN THE CITY & ALLTEL COMMUNICATIONS TO LOCATE TELECOMMUNICATIONS FACILITIES ON A CITY WATER TOWER ON PROPERTY LOCATED AT AIR PARK - Jeff Dale, Alltel Representative, came forward to answer any questions.

This matter was taken under advisement.

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF PIONEER BUSINESS PARK ADDITION FOR 25 INDUSTRIAL LOTS ON APPROX. 38.59 ACRES WITH REQUESTED WAIVERS TO THE REQUIRED STORMWATER DETENTION, STREET IMPROVEMENTS, SIDEWALKS, SANITARY SEWER FLOW, TEMPORARY SANITARY SEWER LIFT STATION, BLOCK LENGTH, PEDESTRIAN EASEMENT, & STREET IMPROVEMENTS TO URBAN STANDARDS, ON PROPERTY GENERALLY LOCATED AT S. 8TH ST. & PIONEERS BLVD. -Mark Hunzeker, 530 S. 13th St., Suite B, came forward representing Hampton Development. The south end of this project is located in the floodway of Beal Slough and he presented a letter proposing that they dedicate a conservation easement to the city over that area to assure that for as long as the city wants it that way that area will not be developed for any buildable purpose. They will also, relinquish access to Pioneer Blvd. Discussion followed.

Glen Cekal stated he thinks there should be detention pond where Sutherlands used to be.

Craig Groat stated that ponds are not detention ponds they are water treatment ponds. He is against this waiver.

Mike Morosin, 2055 S St., stated that the flood plain in his neighborhood was 40 inches in the 1960's. At the present date the flood plain is over 70 inches caused by developers not being checked for runoff of water during their developments. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Department, explained that since this area is entirely within the 100 year flood plain and the function is just accommodating runoff from that individual site it's actually better to get it out and away from the site before you get the peak flows from Salt Creek and Beal Slough because they're not designed to accommodate those peak flows. In terms of water quantity there is a benefit to not having a detention there in these kind of circumstances. Discussion followed.

Mr. Hunzeker came forward for rebuttal.

This matter was taken under advisement.

AMENDING CHAPTER 1, SECTION 2, OF THE LINCOLN DESIGN STANDARDS TO MODIFY THE PROCEDURE FOR GRANTING MODIFICATIONS TO DESIGN STANDARD REQUIREMENTS & PROVIDING AN APPEAL PROCESS THEREFOR - Craig Groat read from the Nebraska State Statute, Cities of the Primary Class, Section 15-1105, Planning Director Duties, Commission Hearings.

Ray Hill, Planning Department, stated this is not a change of zone or an ordinance that is being adopted by the City Council. This is a resolution changing the procedure for reviewing design standards.

This matter was taken under advisement.

ACCEPTING & APPROVING TWO CONSERVATION EASEMENT AGREEMENTS OVER APPROX. 7.29 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF LONDON RD., WEST OF S. 56TH ST. FOR PRESERVATION OF TREE MASSES, WETLANDS, & FLOODPLAINS ASSOCIATED WITH A DRAINAGEWAY - Craig Groat, 4935 Huntington Avenue, stated the detention ponds are not detention ponds anymore they are required for treatment of water runoff from parking lots, roofs and other things. The ponds are designed to release the water over a two or three day period.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 16 TO 31, 2003 - Bob Van Valkenburg, 7921 Reno Rd., asked if someone had their car towed and had a purse stolen from this car while at the tow lot is this where they would come to get reimbursed?

This matter was taken under advisement.

TOOK BREAK 3:20 P.M.

RECONVENED 3:35 P.M.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Avenue, read the Lincoln Police Department General Orders Policy. He also read the Constitution of the State of Nebraska, Freedom of Speech and Press.

This matter was taken under advisement.

Terry Hinkle, 1842 West Burnham, came forward to express his feelings on the comment made by Chief Casady about the labor pool being limited in the towing business. He stated that criminal records are a big part of who is hired and who isn't hired for towing companies. The State Patrol requires them to have a background check on all employees. If they have an employee who has a criminal record they have to be removed otherwise the State Patrol will not do any business with them.

This matter was taken under advisement.

Randy Korbelik, 2921 Loveland Dr., LTR Towing, presented a letter for the record on the towing issue.

This matter was taken under advisement.

Bob Van Valkenburg, 7921 Reno Road, presented a transcript of the pre-council meeting with Vince Mejer and a couple other statements for the record. He expressed his opinion on the bid process of selecting a towing company.

This matter was taken under advisement.

Scott Crippen, 1249 Butler, stated as a tow truck driver he felt attacked by what the Chief of Police said at a pre-council meeting reference tow truck drivers.

This matter was taken under advisement.

Glen Cekal, 1420 C St., stated he was mortified by there not being an outside audit of the city in the last 5 or 6 years.

Glenn Friendt, Council Member, stated the city does have an outside audit every year.

This matter was taken under advisement.

Mike Morosin, 2055 S St., questioned funds being transferred from one project to another not having been appropriated for.

This matter was taken under advisement.

Chief Casady apologized for remarks he made referring to hiring

tow truck employees for the night jobs that may have sounded like he was stereotyping.

This matter was taken under advisement.

Terry Ernisse, no address given, came forward to request that the non-smoking ordinance be presented at a 5:30 p.m. Council Meeting. He would really like the City to let the state deal with this issue so they can lobby the State.

Ken Svoboda, Council Member, stated that the Board of Health is having a hearing on the ordinance at the Eisely Branch Library, at 14th and Superior on Thursday, September 18, 2003.

These matters were taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APP. OF LINCOLN WINGS, L.L.C. DBA HOOTER'S FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN A PARKING LOT AREA MEASURING 96' BY 47' TO THE NORTH ON SEPT. 27, 2003 FROM 8:00 P.M. TO 12:00 A.M. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82316 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Wings L.L.C. d/b/a "Hooters" for a Special Designated License to cover an area measuring 96 feet by 47 feet to the north at 6811 O Street, Lincoln, Nebraska, on the 27th day of September, 2003, between the hours of 8:00 p.m. and 12:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF K-SARA ENTERPRISES FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 119' BY 60' IN THE PARKING LOT AT HUSKER AUTO GROUP, 6833 TELLURIDE, ON SEPTEMBER 26 & 27, 2003 FROM 4:00 P.M. TO 12:00 A.M. - CLERK read the following resolution, introduced by Glenn Friendt who moved its adoption for approval:

A-82317 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of K-Sara Enterprises for a Special Designated License to cover an area measuring approximately 119 feet by 60 feet in the parking lot at Husker Auto Group, 6833 Telluride Street, Lincoln, Nebraska, on the 26th and 27th of September, 2003, between the hours of 4:00 p.m. and 12:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.

4. Responsible alcohol service practices shall be followed.
BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF PERSHING CENTER FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 161' BY 347' AND 141' BY 36' TO THE WEST AND NORTH OF THE PERSHING CENTER, 226 CENTENNIAL MALL SOUTH ON THE SEPT. 20, 2003 FROM 11:00 A.M. TO 11:59 P.M. - PRIOR to reading:

SVOBODA Moved to amend resolution on line 6 by changing the word south to north.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82318 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Pershing Center for a Special Designated License to cover an area measuring approximately 161 feet by 347 feet and 141 feet by 36 feet to the west and ~~south~~ north of the Pershing Center, 226 Centennial Mall South, Lincoln, Nebraska, on September 20, 2003 from 11:00 a.m. to 11:59 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY & LINCOLN ACTION PROGRAM FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N ST., TO PROVIDE JOB TRAINING & EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read the following ordinance, introduced by Terry Werner, approving a sublease agreement between the City and Lincoln Action Program for a sublease of space at the One Stop Center, 1010N St., to provide job training & employment services under the Workforce Investment Act, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER E BY CHANGING THE JOB CLASSIFICATION OF WORKERS' COMPENSATION CLAIMS ASSISTANT TO WORKERS' COMPENSATION CLAIMS SPECIALIST - CLERK read the following ordinance, introduced by Terry Werner, amending the pay schedule for a certain employee group prefixed by the letter E by changing the job classification of Workers' compensation Claims assistant to Workers' Compensation Claims Specialist, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER M BY CREATING THE JOB CLASSIFICATION OF WORKERS' COMPENSATION COORDINATOR - CLERK read the following ordinance, introduced by Terry Werner, amending the pay schedule for a certain employee group prefixed by the letter M by creating the job classification of Workers' Compensation Coordinator, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER A BY CREATING THE JOB CLASSIFICATION OF LEARNING CENTER SUPERVISOR - CLERK read the following ordinance, introduced by Terry Werner, amending the pay schedule for a certain employee group prefixed by the letter A by creating the job classification of learning center supervisor, the

second time.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROX. 1.06 ACRES OF PROPERTY GENERALLY LOCATED AT 1501 W. VAN DORN STREET - CLERK read the following ordinance, introduced by Terry Werner, amending the Lincoln Corporate Limits map by annexing approx. 1.06 acres of property generally located at 1501 W. Van Dorn Street, the second time.

CHANGE OF ZONE 3417 - APP. OF CARLOS LAKE L.L.C. FOR A CHANGE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DIST., ON PROPERTY GENERALLY LOCATED AT S. 55TH ST. & SOUTH ST. (In connection w/03R-239, 03R-240) - CLERK read the following ordinance, introduced by Terry Werner, for Change of zone 3417 - App. of Carlos Lake L.L.C. for a change from R-2 residential district to R-T Residential Transition Dist., on property generally located at S. 55th St. & South St., the second time.

AMENDING SECTIONS 26.19.020 & 26.31.010 OF THE LINCOLN MUNICIPAL CODE TO MODIFY THE PROCEDURE FOR GRANTING MODIFICATIONS OF SUBDIVISION REQUIREMENTS & PROVIDING AN APPEAL PROCESS THEREFOR - CLERK read the following ordinance, introduced by Terry Werner, amending Sections 26.19.020 & 26.31.010 of the Lincoln Municipal Code to modify the procedure for granting modifications of subdivision requirements and providing an appeal process therefor, the second time.

APPROVING THE LICENSE AGREEMENT BETWEEN THE CITY & ALLTEL COMMUNICATIONS TO LOCATE TELECOMMUNICATIONS FACILITIES ON A CITY WATER TOWER ON PROPERTY LOCATED AT AIR PARK - CLERK read the following ordinance, introduced by Terry Werner, approving the license agreement between the City and Alltel Communications to locate telecommunications facilities on a city water tower on property located at Air Park, the second time.

RESOLUTIONS

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF PIONEER BUSINESS PARK ADDITION FOR 25 INDUSTRIAL LOTS ON APPROX. 38.59 ACRES WITH REQUESTED WAIVERS TO THE REQUIRED STORMWATER DETENTION, STREET IMPROVEMENTS, SIDEWALKS, SANITARY SEWER FLOW, TEMPORARY SANITARY SEWER LIFT STATION, BLOCK LENGTH, PEDESTRIAN EASEMENT, & STREET IMPROVEMENTS TO URBAN STANDARDS, ON PROPERTY GENERALLY LOCATED AT S. 8TH ST. & PIONEERS BLVD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82319 WHEREAS, Pine Lake Development, L.L.C. has submitted the preliminary plat of **PIONEER BUSINESS PARK ADDITION** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated June 17, 2003, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **PIONEER BUSINESS PARK ADDITION**, located generally at South 8th Street and Pioneers Blvd., as submitted by **Robert D. Hampton**, is hereby accepted and approved subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of § 26.23.105 of the Lincoln Municipal Code that storm water detention be provided on-site is hereby waived.

2. The requirements of §§ 26.27.010, 26.23.070, 26.27.020 and 26.27.090 of the Lincoln Municipal Code that the dead end portion of Calvert Street west of 6th Street be paved, with a minimum turnaround and have sidewalks and street trees installed and planted on both sides of said street is hereby waived.

3. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of all streets within the

subdivision is hereby waived along the north side of Pioneers Blvd.

4. The requirement of the Sanitary Sewer Design Standards that sanitary sewer follow street grades and not exceed certain maximum depth are waived to allow sewer lines running opposite street grades and exceeding maximum allowed depth.

5. The requirement of the Sanitary Design Standards that the wastewater system be a gravity flow sanitary system is waived to allow a temporary lift station and private sanitary sewer to serve this property.

6. The requirement of Section 26.23.130 of the Lincoln Municipal Code that block length shall not exceed 1,320 feet is hereby waived.

7. The requirement of Section 26.23.120 of the Lincoln Municipal Code that a pedestrian way easement be provided on Blocks 1 and 2 is hereby waived.

8. The requirement of Section 26.27.010 of the Lincoln Municipal Code that Pioneers Blvd. be constructed to urban standards including curb and gutter is hereby waived; provided that Robert D. Hampton and his successors and assigns agree not object to the inclusion of this subdivision within a future repaving district for the repaving of Pioneers Boulevard or to any valid assessment levied thereunder

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Newman, Werner.

SPECIAL PERMIT 638A - APP. OF CARLOS LAKE L.L.C. TO EXPAND AN EXISTING PARKING LOT IN A RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 55TH ST. & SOUTH ST. (IN CONNECTION W/03-142, 03R-240) - PRIOR to reading:

SVOBODA Moved to delay action on Bill No. 03R-239 for one week to 9/22/03.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

USE PERMIT 153 - APP. OF CARLOS LAKE L.L.C. TO DEVELOP MIDTOWN BUSINESS PARK CONSISTING OF TWO 5,000 SQ. FT. OFFICE/MEDICAL BUILDINGS, WITH REQUESTED WAIVERS TO THE ALLOW LOTS THAT DO NOT HAVE FRONTAGE OR DIRECT ACCESS TO A PUBLIC OR PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT S. 55TH ST. & SOUTH ST. (IN CONNECTION W/03-142, 03R-239) - PRIOR to reading:

SVOBODA Moved to delay action on Bill No. 03R-240 for one week to 9/22/03.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AMENDING CHAPTER 1, SECTION 2, OF THE LINCOLN DESIGN STANDARDS TO MODIFY THE PROCEDURE FOR GRANTING MODIFICATIONS TO DESIGN STANDARD REQUIREMENTS & PROVIDING AN APPEAL PROCESS THEREFOR - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82320 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, a text change to the Design Standards is necessary under Chapter 1.00 - Request for Waiver Procedure, to allow the Planning Commission to approve waiver requests.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Chapter 1.00 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended as follows:

1. Section 2.1 "Design Standards for Subdivision Regulations" is amended to allow the Planning Commission to approve waiver requests, as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

2. Section 2.2 "Design Standards for Zoning Regulations" is amended to allow the Planning Commission to approve waiver requests, as shown on Attachment "B" which is attached hereto and incorporated herein by reference.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ACCEPTING & APPROVING TWO CONSERVATION EASEMENT AGREEMENTS OVER APPROX. 7.29 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF LONDON RD., WEST OF S. 56TH ST. FOR PRESERVATION OF TREE MASSES, WETLANDS, & FLOODPLAINS ASSOCIATED WITH A DRAINAGEWAY - Patte Newman stated for the record that in working with Nicole Fleck-Tooze on flood plain issues she was found to be very professional, very competent, and absolutely top notch in her knowledge

and her desire to do the right thing.

Annette McRoy stated she seconds that.

CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82321 WHEREAS, the Owners of Lots 1, 2, and 3, and Outlots A and B, Country Plaza First Addition and the Owners of Outlot C, Country Plaza First Addition, Lots 2, 3, and 4, Country Plaza Second Addition, and Lot 1 and Outlot A, Country Plaza Third Addition, have offered to grant conservation easements over approximately 7.29 acres of real estate located generally north of London Road and west of South 56th Street for preservation of tree masses, wetlands, and flood plains associated with a drainageway; and

WHEREAS, the acquisition of these conservation easements by the City would further the goals of the Comprehensive Plan relating to wetlands and floodplains; and

WHEREAS, the Lincoln City Lancaster County Planning Commission has found that the conservation easements are in conformance with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, on behalf of the City of Lincoln, Nebraska, the offer of conservation easements by the Owners of Lots 1, 2, and 3, and Outlots A and B, Country Plaza First Addition, and by the Owners of Outlot C, Country Plaza First Addition, Lots 2, 3, and 4, Country Plaza Second Addition, and Lot 1 and Outlot A, Country Plaza Third Addition, over a tract of land as legally described in the two Conservation Easement Agreements, attached hereto and marked as Attachment "A" and Attachment "B", are hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the two Conservation Easement Agreements on behalf of the City of Lincoln, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk shall file the two Conservation Easement Agreements with the Lancaster County Register of Deeds, recording fees to be paid in advance by the respective Owners of said parcels of real estate.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 16 TO 31, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82322 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated September 2, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Tuan Nguyen	NAS*	Kali Wathen (Paulette Wathen)	\$528.17
Leo M. Weiler	\$150,000.00	Olson Construction Co.	267.24
Mark V. Nelson	272.97		
Christine Wittmuss	10,000.00		

* No amount specified.

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF ST. PATRICK'S SCHOOL, 4142 N. 61ST ST., TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM SEPT. 14 THROUGH NOV. 21, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82323 WHEREAS, St. Patrick's School has made application for a permit to

conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Patrick's School to conduct a raffle in the City of Lincoln in accordance with the application filed by Jeanne L. Vrbka. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF NORTH AMERICAN MARTYRS CATHOLIC PARISH, 1100 ISAAC DR., TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM SEPT. 18 THROUGH NOV. 22, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82324 WHEREAS, North American Martyrs Catholic Parish has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to North American Martyrs Catholic Parish to conduct a lottery in the City of Lincoln in accordance with the application filed by Fr. Garold Gabel. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of

Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF ST. TERESA'S CATHOLIC CHURCH, 735 S. 36TH ST., TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM OCT. 1 THROUGH NOV. 9, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82325 WHEREAS, St. Teresa's Catholic Church has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby

grant a permit to St. Teresa's Catholic Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Rev. Joseph J. Nemec. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF IMPACT FEES ON AN INCREASE OF SIZE FOR A WATER METER AT 3800 S. 9TH ST. (9/8/03 - ACTION DELAYED & P.H. CON'T. FOR ONE WEEK TO 9/15/03; 7-0) (APPLICANT REQUESTS TO WITHDRAW APPEAL)- CLERK requested ordinance to be withdrawn as per applicant.

SVOBODA So moved.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned File #38-4452, & placed on file in the Office of the City Clerk.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 29, 2003 AT 5:30 P.M. FOR MAN. APP. OF KYMBERLY DILLON FOR CEC ENTERTAINMENT INC DBA CHUCK E CHEESE AT 221 N 66TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82326 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 29, 2003 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Kymberly Dillon for CEC Entertainment Inc. dba "Chuck E. Cheese" located at 221 N. 66th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR THE INSTALLATION OF SANITARY SEWERS IN 1ST ST., WATER MAINS IN 1ST ST., STORM SEWERS IN 1ST AND 2ND STS., STREET PAVING IN 1ST AND 2ND STS., STREET TREES, AND SIDEWALKS ALONG 1ST AND 2ND STS., WITHIN THE PEOPLE'S CITY MISSION ADMINISTRATIVE FINAL PLAT GENERALLY LOCATED AT NORTH 2ND AND R STS. (7/07/03 - PENDING; TO HAVE PUBLIC HEARING W/VACATION ORDINANCE) (IN CONNECTION W/03-134, 03R-234, 03R-235) (8/18/03 - TO HAVE P.H. 9/8/03) (9/8/03 - ACTION DELAYED FOR 1 WEEK TO 9/15/03, 7-0) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82327 WHEREAS, the Administrative Final Plat of The People's City Mission Addition has been submitted for approval by the City of Lincoln; and

WHEREAS, the conditions of approval of said Administrative Final Plat require that the subdivider install certain subdivision improvements including sanitary sewer, water mains, storm sewer, street paving, street trees and sidewalks adjacent to said Administrative Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

That the requirements of the Administrative Final Plat of The People's City Mission Addition relating to the installation of Sanitary Sewers in 1st Street, Water mains in 1st Street, Storm Sewers in 1st and

2nd Streets, Street Paving in 1st and 2nd Streets, Street Trees, and Sidewalks along 1st and 2nd Streets, are hereby waived until such time as this area further develops, provided the owner agrees not to object to the creation of assessment districts for sidewalks, paving, sanitary sewer, and water in the future.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1123B - APPROVING THE EXPANSION OF THE BOUNDARY OF THE EXISTING SPECIAL PERMIT FOR THE PEOPLE'S CITY MISSION & TO REDUCE THE FRONT YARD SETBACK FROM 15' TO 4' FOR THE PROPOSED SHELTER WITHIN AN EXISTING BUILDING NORTH OF R ST., GENERALLY LOCATED BETWEEN N. 1ST & N. 2ND STS. & Q TO S STS. (IN CONNECTION W/03-134, 03R-181, 03R-235) (9/8/03 - ACTION DELAYED FOR 1 WEEK TO 9/15/03, 7-0) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82328 WHEREAS, People's City Mission has submitted an application designated as Special Permit No. 1123B to expand the boundary of the People's City Mission and to waive the front yard setback on property located at between North 1st Street and North 2nd Street between Q and S Streets, and legally described to wit:

Lots 4-11; the north half of the vacated alley adjacent to the south line of Lots 4-6; the south half of the vacated alley adjacent to the north line of Lots 7-11; the vacated east 14 feet of North 1st Street; the north 14 feet of vacated Q Street; all located in Block 263, Original Plat of Lincoln; and Lots 1-12, Block 264, the east-west vacated alley adjacent to S Street, adjacent to Block 264, and Lots 11 and 12, Block 275, Original Plat of Lincoln; all located in the Southwest Quarter of Section 23, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this expansion of the People's City Mission will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of People's City Mission, hereinafter referred to as "Permittee", to expand the boundary of the People's City Mission, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.620 of the Lincoln Municipal Code upon condition that construction and operation of said

City Mission be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the expansion of the boundary of the People's City Mission as shown on the site plan.
2. A waiver of the front yard setback requirement is hereby approved to allow a 4' setback for the proposed shelter within an existing building north of R Street.
3. Before receiving building permits:
 - a. The Permittee must submit a revised and acceptable final plan and six copies.
 - b. The construction plans must conform to the approved plans.
 - c. The Permittee must provide a landscape plan to the satisfaction of the Parks and Recreation Department.
 - d. The Permittee must provide an outdoor recreation plan to the satisfaction of the Parks and Recreation Department.
4. Before occupying the shelter, all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established association approved by the City Attorney.
6. The site plan, approved by this permit, shall be the basis

for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE PEOPLE'S CITY MISSION HOME & THE CITY OF LINCOLN OVER THE NORTH 51.6 FEET OF LOTS 11 & 12, BLOCK 275, ORIGINAL PLAT, LINCOLN, TO PROTECT THE DRAINAGE WAY & NATURAL FLOODPLAIN VALUES ON PROPERTY GENERALLY LOCATED NORTHWEST OF 2ND & S ST. (IN CONNECTION W/03-134, 03R-181, 03R-234) (9/8/03 - ACTION DELAYED FOR 1 WEEK TO 9/15/03, 7-0) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82329 WHEREAS, People's City Mission Home, a Nebraska nonprofit corporation, has offered to grant a conservation easement over the north 51.6 feet of Lots 11 and 12, Block 275, Original Plat of Lincoln, in the Southeast Quarter of Section 23, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska to protect the drainage way and natural floodplain values; and

WHEREAS, acquisition of this conservation easement by the City would further the goals of the Comprehensive Plan relating to floodplains.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, on behalf of the City of Lincoln, Nebraska, the offer of a conservation easement by People's City Mission Home over the tract of land legally described above pursuant to the Conservation Easement Agreement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

REQUEST FOR A PAVING DISTRICT ON 36TH STREET FROM VINE TO W STREET SUBMITTED BY JAKE T. WHITAKER - CLERK presented said petition which was referred to the Public Works Dept.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF AUGUST, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

APPEAL DENIAL OF REQUEST FOR CATEGORICAL EXEMPTION FROM IMPACT FEES SUBMITTED BY PETER KATT ON BEHALF OF MARY JO LIVINGSTON AND MOUNT OLIVE EVANGELICAL CHURCH - CLERK requested approval to set hearing date of 10/06/03 at 1:30 p.m.

SVOBODA So moved.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 22, 2003 AT 1:30 P.M. TO APPEAL DENIAL REQUEST FOR PEDDLER PERMIT FROM CARISA RISOR - CLERK requested approval to set hearing date of 9/22/03 at 1:30 p.m.

SVOBODA So moved.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON SEPTEMBER 8, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

DECLARING THE FORMER UNION PACIFIC RIGHT-OF-WAY BETWEEN 30TH ST. AND 33RD ST., CONSISTING OF APPROX. 1.5 ACRES, AS SURPLUS PROPERTY AND AUTHORIZING THE EXCHANGE THEREOF - CLERK read an ordinance, introduced by Jonathan Cook, declaring approximately 1.5 acres of City-owned property generally located between 30th and 33rd Streets north of Peter Pan Park as surplus and authorizing the conveyance thereof to Rose Investments, Inc., the first time.

CHANGE OF ZONE 3416 - APP. OF WITHERBEE NEIGHBORHOOD ASSOC. FOR A CHANGE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED BETWEEN THE WEST SIDE OF S. 37TH ST. AND THE EAST SIDE OF S. 42ND ST., FROM J ST. TO RANDOLPH ST., CONSISTING OF APPROX. 12 BLOCKS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING A FOUR-YEAR LEASE AGREEMENT BETWEEN THE CITY AND CAPITAL TOWING INC. FOR A VEHICLE IMPOUND LOT LOCATED AT 101 CHARLESTON ST. (IN CONNECTION W/03R-249)- CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Capital Towing, Inc. for the lease of City owned property for use as an impound lot for towed vehicles, the first time.

ORDINANCES - 3RD READING

VACATING THE EAST-WEST ALLEY FROM NORTH 1ST STREET TO NORTH 2ND STREET IN BLOCK 264, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT NORTH 1ST STREET BETWEEN R AND S STREETS. (In connection w/03R-181, 03R-234, 03R-235) - CLERK read the following Ordinance, introduced by Ken Svoboda, vacating the east-west alley from North 1st Street to North 2nd Street in Block 264, Original Plat of Lincoln, generally located at North 1st Street between R & S Streets, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Newman.

The ordinance, being numbered **#18238**, is recorded in Ordinance Book 25, Page

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 24.12 TO ADOPT THE 2000 EDITION OF THE UNIFORM PLUMBING CODE WITH LOCAL AMENDMENTS - PRIOR to reading:

SVOBODA Moved to amend Bill No. 03-135 in the following manner:

1. On page 19, line 23, delete \$250.00 and insert in lieu thereof \$100.00.

2. At the bottom of page 19, following line 26, insert the following:

"On and after January 1, 2005, upon initial issuance or subsequent renewal of a master plumber contractor registration certificate, a registration fee shall be paid annually to the Administrative Authority as follows:

<u>Master Plumber Contractor registration fee</u>	<u>\$175.00</u>
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On and after January 1, 2006, upon initial issuance or subsequent renewal of a master plumber contractor registration certificate, a registration fee shall be paid annually to the Administrative Authority as follows:

Master Plumber Contractor registration fee \$250.00."

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK read the following Ordinance, introduced by Ken Svoboda, amending Title 24 of the Lincoln Municipal Code by creating a new Chapter 24.12 to adopt the 2000 Edition of the Uniform Plumbing Code with local amendments, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #18239, is recorded in Ordinance Book 25, Page

AMENDING CHAPTER 25.03 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE UNIFORM MECHANICAL CODE TO ADOPT THE 1997 EDITION WITH NEW AND REVISED LOCAL AMENDMENTS - CLERK read the following Ordinance, introduced by Ken Svoboda, amending Chapter 25.03 of the Lincoln Municipal Code relating to the Uniform Mechanical Code to adopt the 1997 Edition with new and revised local amendments, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #18240, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to September 22, 2003.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on September 22, 2003.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 4:37 P.M.

SVOBODA Moved to adjourn the City Council meeting of September 15, 2003.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan Ross, City Clerk, CMC

Judy Roscoe, Senior Office Assistant

